

IN THE SUPREME COURT OF MISSISSIPPI

NO. 2019-BD-01181-SCT

THE MISSISSIPPI BAR

v.

CONNIE M. EASTERLY

ATTORNEY FOR APPELLANT: MELISSA SELMAN SCOTT
ATTORNEY FOR APPELLEE: CONNIE M. EASTERLY (PRO SE)
NATURE OF THE CASE: CIVIL - BAR MATTERS
DISPOSITION: SUSPENDED FROM PRACTICE OF LAW
FOR NINETY DAYS - 09/03/2020
MOTION FOR REHEARING FILED:
MANDATE ISSUED:

EN BANC.

KITCHENS, PRESIDING JUSTICE, FOR THE COURT:

¶1. Before the Court is the formal complaint filed by the Mississippi Bar under Rule 13 of the Rules of Discipline for the Mississippi State Bar, seeking reciprocal discipline against Connie M. Easterly for professional misconduct. The Bar filed also a motion for reimbursement of costs and expenses, asking this Court to order Easterly to reimburse it in the amount of \$224.50.

STATEMENT OF THE FACTS

¶2. Easterly is licensed to practice law in Louisiana and in Mississippi.¹ After allegations arose that she had been arrested for and charged with driving under the influence of alcohol, Louisiana's Office of Disciplinary Counsel initiated an investigation into her conduct. *In re*

¹In November 2010, this Court placed Easterly on inactive disability status.

Easterly, 268 So. 3d 1023, 1023 (La. 2019). Easterly consented to being disciplined in Louisiana. *Id.* On May 6, 2019, the Supreme Court of Louisiana ordered that Easterly be “suspended from the practice of law for a period of one year and one day, retroactive to January 8, 2019, the date of her interim suspension.” *Id.*

¶3. On July 24, 2019, the Mississippi Bar filed its complaint, asking that this Court impose reciprocal discipline on Easterly for her “unprofessional and unethical conduct and conduct evincing unfitness for the practice of law[.]” After several unsuccessful attempts to serve Easterly with process in accordance with Rule 16 of the Rules of Discipline for the Mississippi State Bar, the Bar filed a motion to extend the time for service, which was granted. Order, *Miss. Bar v. Easterly*, No. 2019-BD-01181-SCT (Miss. Jan. 9, 2020). On January 20, 2020, Easterly waived her right to service of process. In addition, Easterly asserted that she was entering her appearance in this matter by filing the waiver of process and that she would “file any responsive pleading within 20 days from the date of this waiver.” Easterly filed no responsive pleadings to contest this proceeding.

¶4. On April 9, 2020, the Mississippi Bar filed a motion for reimbursement of its costs and expenses, asking this Court to order Easterly to reimburse it in the amount of \$224.50.

DISCUSSION

¶5. “This Court possesses ‘exclusive and inherent jurisdiction’ over the discipline of attorneys under the Mississippi Rules of Discipline.” *Miss. Bar v. Thomas*, 291 So. 3d 306,

307 (Miss. 2019) (quoting *McIntyre v. Miss. Bar*, 38 So. 3d 617, 623 (Miss. 2010)). Rule 13(b) of the Rules of Discipline for the Mississippi State Bar provides,

A final adjudication in another jurisdiction that an attorney admitted to practice in the State of Mississippi has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in the State of Mississippi. The sole issue to be determined in the disciplinary proceeding in the State of Mississippi shall be the extent of the final discipline to be imposed upon the attorney in this State, which may be more or less severe than the discipline imposed by the other jurisdiction.

M.R.D. 13(b).

¶6. This Court considers nine criteria when addressing reciprocal discipline:

(1) the nature of the misconduct involved; (2) the need to deter similar misconduct; (3) the preservation of the dignity and reputation of the profession; (4) protection of the public; (5) the sanctions imposed in similar cases; (6) the duty violated; (7) the lawyer’s mental state; (8) the actual or potential injury resulting from the misconduct; and (9) the existence of aggravating and/or mitigating factors.

Thomas, 291 So. 3d at 308 (quoting *Miss. Bar v. Ogletree*, 226 So. 3d 79, 83 (Miss. 2015)).

“As long as each criterion is taken into consideration, we need not address each separately.”

Caldwell v. Miss. Bar, 118 So. 3d 549, 553 (Miss. 2012) (citing *Miss. Bar v. Hodges*, 949 So. 2d 683, 686 (Miss. 2006)).

¶7. This Court has held that, when applying “the reciprocity doctrine, the sanction imposed here generally mirrors the sanction imposed in the sister state, absent ‘extraordinary circumstances which compel, justify or support variance from the foreign jurisdiction’s sanction.’” *Thomas*, 291 So. 3d at 307 (quoting *Miss. Bar v. Drungole*, 913 So. 2d 963, 970 (Miss. 2005)). But we “may impose sanctions less than or greater than those imposed by

another jurisdiction.” *Id.* at 307-08 (citing *Miss. Bar v. Gardner*, 730 So. 2d 546, 547 (Miss. 1998)).

¶8. From the record before us, it appears that this was Easterly’s first and only incident of driving under the influence of alcohol (DUI). In Mississippi, “generally a first-offense misdemeanor DUI would not warrant an initial one year and one day suspension absent other aggravating circumstances.” *Miss. Bar v. Mount*, 298 So. 3d 409, 409 n.5 (Miss. 2019). We find no aggravating circumstances here that warrant such a lengthy suspension. This Court finds that a more appropriate sanction at this juncture is a suspension from the practice of law for a period of ninety days.

¶9. This Court must decide also whether the sanction is to apply prospectively or retroactively. “In reciprocal discipline cases, we often have made discipline in this state prospective, even when the period of discipline imposed by another state had expired by the time this Court imposed its discipline.” *Caldwell*, 118 So. 3d at 555 (citing *Miss. Bar v. Ishee*, 987 So. 2d 909, 910, 912 (Miss. 2007)). We consider the following factors in determining whether the discipline should be made to apply retroactively:

[W]hether the conduct is part of a continuing pattern or whether there is only a single instance of misconduct; whether there is a significantly attenuated relationship between the misconduct and the practice of law; and whether the passage of time mitigates the severity of the discipline required. The last factor—the remoteness of the misconduct—has two facets. The first is whether the passage of time itself has accomplished rehabilitation of the lawyer. The second is whether the transgressions are so remote in time that intervening developments and current circumstances dilute the public interest in proper and prompt discipline.

Miss. Bar v. Thompson, 5 So. 3d 330, 339-40 (Miss. 2008) (quoting *People v. Abelman*, 804 P.2d 859, 862 (Colo. 1991)).

¶10. There is no evidence suggesting that Easterly has a history or a pattern of misconduct; her suspension in Louisiana concerned but one instance of DUI. Easterly’s suspension stemmed from misconduct in her personal life, not from misconduct in her professional life as a practicing attorney. Therefore, the nexus between Easterly’s misconduct and the practice of law was “a significantly attenuated relationship.” *Id.* (quoting *Abelman*, 804 P.2d at 862).

¶11. “This Court has long held that the purpose of lawyer discipline is not so much to punish the errant attorney as it is to maintain appropriate standards of professional conduct necessary to protect the public and the administration of justice.” *Hodges*, 949 So. 2d at 687 (citing *Miss. Bar v. Carter*, 678 So. 2d 981, 982 (Miss. 1996)). The Supreme Court of Louisiana imposed on Easterly much harsher professional discipline for a first-offense DUI than generally is imposed upon lawyers in Mississippi for the same conduct. Easterly’s lengthy suspension in Louisiana more than adequately “protect[s] the public and the administration of justice.” *Id.* (citing *Carter*, 678 So. 2d at 982). Accordingly, this Court finds that Easterly’s ninety-day suspension should apply retroactively.

CONCLUSION

¶12. We hold that Louisiana’s discipline of Connie M. Easterly, already completed, has provided sufficient protection to the public and to the administration of justice such that our imposition of reciprocal discipline upon her should be applied retroactively. Therefore, this

Court hereby suspends Easterly from the practice of law for a period of ninety days, retroactive to May 6, 2019, the date the Supreme Court of Louisiana entered its judgment suspending her. We hold also that Easterly shall reimburse the Mississippi Bar the sum of \$224.50 for its costs and expenses incurred in connection with this case, which shall be paid within thirty days after the date of entry of this decision.

¶13. CONNIE M. EASTERLY IS SUSPENDED FROM THE PRACTICE OF LAW FOR A PERIOD OF NINETY DAYS, RETROACTIVE TO MAY 6, 2019, THE DATE THE SUPREME COURT OF LOUISIANA ENTERED ITS JUDGMENT. EASTERLY SHALL REIMBURSE THE MISSISSIPPI BAR THE SUM OF \$224.50 TO BE PAID WITHIN THIRTY DAYS AFTER THE DATE OF ENTRY OF THIS DECISION.

RANDOLPH, C.J., KING, P.J., COLEMAN, MAXWELL, BEAM, CHAMBERLIN, ISHEE AND GRIFFIS, JJ., CONCUR.